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10/782,823	02/23/2004	David E. Leeman		5456

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EXAMINER

PARSLEY, DAVID J

ART UNIT PAPER NUMBER

3643

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,823

Applicant(s)

LEEMAN, DAVID E.

Examiner

David J. Parsley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5-25-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,638,588 to Abadie.

Referring to claim 1, Abadie discloses a grid connector locking mechanism comprising, a device to be mounted – at 12, a wire grid – at 20, an extension – at 18,28, projecting from the device to be mounted – see for example figures 1-2, wherein the extension has a top surface – see for example figures 1-2, that is larger than a base – at 14, 16 or one of 24, connected to the device to be mounted – see for example figures 1-2, a gap between the top surface of the extension and the device to be mounted – see the apertures in item 18 in figure 2, wherein the extension is smaller in dimensions than openings in the wire grid – see at 28 in figures 1-2, wherein the extension – at 28, passes through the openings in the wire grid – at 20, until the gap is in the plane of the wire grid – see for example figures 1-2, wherein the extension and device to be mounted are rotated roughly 45 degrees – see the threaded portion of item 28 which is rotated to mate with the nuts as seen in figure 2, one or more undercuts – see at 28, the threads in item 28 and at item 18 in figures 1-2, on the underside of the top surface for receiving the wire grid –

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see for example figures 1-2, and wherein the wire grid is locked between the undercuts and the device to be mounted – see for example figures 1-2.

Referring to claim 2, Abadie discloses the extension is square shaped – see the portions of item 18 directly connected to item 28 in figure 2.

Referring to claim 3, Abadie discloses the device to be mounted – at 12, is mounted on a vertical grid – at 20 – see figures 1-2.

Referring to claim 4, Abadie discloses the undercuts – at 28 and 18, are located on opposite corners of the extension – see for example figure 2.

Referring to claim 5, Abadie discloses the extension is integrally molded with the device to be mounted – see at 12 and 18 in figures 1-2.

Referring to claim 6, Abadie discloses the extension is separately attached to the device to be mounted – see at 12 and 28 in figures 1-2.

Referring to claim 7, Abadie discloses the locking mechanism – see at 12, 18, is split in half, forming two equilateral halves – see figures 1-2.

Referring to claim 8, Abadie discloses a protrusion – at 24 or 28, on one half of the locking mechanism and a corresponding receptacle – at 18 on the opposite half of the locking mechanism – see for example figures 1-2.

Referring to claim 9, Abadie discloses the protrusion fits into the receptacle to create a locked complete locking mechanism – see for example – at 18, 24 and 28 as seen in figures 1-2.

Claims 10-11, 13-15 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,617,669 to Levey.

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Referring to claim 10, Levey discloses a fishing device comprising, first and second halves – at 12,14, for forming a complete cylindrical container – see for example figures 1-2, top, bottom and side surface of the cylindrical container – see for example figures 1-2, one or more openings – at 24, in the side surface of the cylindrical container – see for example figures 1-3, one or more hinges – at 16, for connecting the first half to the second half – see for example figures 1-4, raised regions – at 46, for improving grip, and protrusions and tabs – at 20,22, on edges of the side surfaces of the first and second halves for locking the cylindrical container closed – see for example figures 1-2.

Referring to claim 11, Levey discloses protrusions and tabs – at 26-38, on the top and bottom surfaces of the first and second halves for locking the cylinder closed – see for example figures 1-3.

Referring to claim 13, Levey discloses the cylinder is plastic – see for example column 3 lines 2-7.

Referring to claim 14, Levey discloses the one or more openings – at 24 are rectangular – see for example figure 2.

Referring to claim 15, Levey discloses the one or more openings are arranged in rows – see for example figures 1-3. Further, it is unclear to how only one opening can be arranged in a row.

Referring to claim 21, Levey discloses the first and second halves are closed by pushing two halves together and locking the protrusions into the tabs – see for example figures 1-4 and column 2 lines 27-46.

Referring to claim 22, Levey discloses the first and second halves are opened by applying pressure to the top and bottom surfaces and pulling the first and second halves away from one another – see for example figures 1-4 and column 2 lines 27-46.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levey as applied to claim 10 above, and further in view of U.S. Patent No. 4,914,856 to Kennedy. Levey does not disclose the bait device is used inside fishing traps. Kennedy does disclose the bait device – at 10, is used inside the fishing traps – at 12 – see for example figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Levey and add the bait device used in fishing traps of Kennedy, so as to allow for the device to attract sea life into the trap.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levey as applied to claim 10 above, and further in view of GB Patent No. 2226743 to Bristow.

Referring to claim 16, Levey does not disclose the raised regions are concentric ridges on the top and bottom surfaces of the cylindrical container. Bristow does disclose the raised regions are concentric ridges – at 30-38, on the top and bottom surfaces of the cylindrical container – see

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for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Levey and add the concentric ridges on the top and bottom surfaces of Bristow, so as to allow for any objects located inside the device to be securely held inside the device.

Referring to claim 17, Levey does not disclose the raised regions are dimples along the outside surface of the cylindrical container. Bristow does disclose the raised regions – at 36, are dimples on the outside surface of the cylindrical container – see for example figure 3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Levey and add the raised dimples on the container of Bristow, so as to allow for any objects located inside the device to be securely held inside the device.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levey as applied to claim 10 above, and further in view of Abadie. Levey does not disclose a loop for hanging the apparatus when not in use. Abadie does disclose a loop – at 36, for hanging the apparatus when not in use – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Levey and add the hanging loop of Abadie, so as to allow for the device to be easily stored and transported.

Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levey as applied to claim 10 above, and further in view of U.S. Patent No. 5,606,820 to Suddeth.

Referring to claim 18, Levey does not disclose the one or more hinges is three hinges. Suddeth does disclose the one or more hinges – at 52,54, is three hinges – see for example figures 5-6. Therefore it would have been obvious to one of ordinary skill in the art to take the

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device of Levey and add three hinges of Suddeth, so as to allow for the two halves of the container to be securely and movably connected to one another.

Referring to claim 20, Levey does not disclose the hinges are vertical bars on half of the cylindrical container that lock into half circle depressions on the opposite half of the cylindrical container. Suddeth does disclose the hinges – at 52,54, are vertical bars – at 52, on half of the container that lock into half circle depressions – at 54, on the opposite half of the container – see for example figures 3-4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Levey and add the hinges comprising bars and half circle depressions of Suddeth, so as to allow for the two halves of the container to be securely held together.

Claims 23, 25-27, 31 and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abadie in view of Levey.

Referring to claim 23, Abadie does disclose a bait trap with locking mechanism comprising, a device comprising first and second halves for forming a complete cylindrical container to be mounted – at 12, with top, bottom and side surfaces of the cylindrical container – see for example figures 1-2, one or more openings – at 22, on the side surface of the cylindrical container – see for example figures 1-2, raised regions for improving grip – see at 36 and the top of item 18 in figures 1-2, protrusions and tabs – at 24 and at the upper and lower portions – at 18, on edges of the side surfaces of the first and second halves for locking the cylindrical container closed – see for example figures 1-2, a wire grid – at 20, an extension – at 18,28, projecting from the device to be mounted – see for example figures 1-2, wherein the extension has a top surface – see for example figures 1-2, that is larger than a base – at 14, 16 or 24, connected to the device to be mounted – see for example figures 1-2, a gap between the top surface of the extension and the

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device to be mounted – see the apertures in item 18 in figure 2, wherein the extension is smaller in dimensions than openings in the wire grid – see at 28 in figures 1-2, wherein the extension – at 28, passes through the openings in the wire grid – at 20, until the gap is in the plane of the wire grid – see for example figures 1-2, wherein the extension and device to be mounted are rotated roughly 45 degrees – see the threaded portion of item 28 which is rotated to mate with the nuts as seen in figure 2, one or more undercuts – see at 28, the threads in item 28 and at item 18 in figures 1-2, on the underside of the top surface for receiving the wire grid – see for example figures 1-2, and wherein the wire grid is locked between the undercuts and the device to be mounted – see for example figures 1-2. Abadie does not disclose one or more hinges connecting the first and second halves for forming the complete cylindrical container. Levey does disclose one or more hinges – at 16, connecting the first and second halves – at 12,14, for forming the complete cylindrical container – see for example figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Abadie and add the hinges of Levey, so as to allow for the first and second halves to be securely and movably held to one another during use.

Referring to claim 25, Abadie as modified by Levey further discloses the cylinder is plastic – see for example column 3 lines 2-7 of Levey.

Referring to claim 26, Levey discloses the one or more openings – at 24 are rectangular – see for example figure 2 of Levey.

Referring to claim 27, Levey discloses the one or more openings are arranged in rows – see for example figures 1-3 of Levey. Further, it is unclear to how only one opening can be arranged in a row.

Referring to claim 31, Abadie as modified by Levey further discloses a loop – at 36, for hanging the apparatus when not in use – see for example figures 1-2 of Abadie.

Referring to claim 33, Abadie as modified by Levey further discloses the first and second halves are closed by pushing two halves together and locking the protrusions into the tabs – see for example figures 1-4 and column 2 lines 27-46 of Levey.

Referring to claim 34, Abadie as modified by Levey further discloses the first and second halves are opened by applying pressure to the top and bottom surfaces and pulling the first and second halves away from one another – see for example figures 1-4 and column 2 lines 27-46 of Levey.

Referring to claim 35, Abadie as modified by Levey further discloses the extension is square shaped – see the portions of item 18 directly connected to item 28 in figure 2 of Abadie.

Referring to claim 36, Abadie as modified by Levey further discloses the device to be mounted – at 12, is mounted on a vertical grid – at 20 – see figures 1-2 of Abadie.

Referring to claim 37, Abadie as modified by Levey further discloses the undercuts – at 28 and 18, are located on opposite corners of the extension – see for example figure 2 of Abadie.

Referring to claim 38, Abadie as modified by Levey further discloses the extension is integrally molded with the device to be mounted – see at 12 and 18 in figures 1-2 of Abadie.

Referring to claim 39, Abadie as modified by Levey further discloses the extension is separately attached to the device to be mounted – see at 12 and 28 in figures 1-2 of Abadie.

Referring to claim 40, Abadie as modified by Levey further discloses the locking mechanism – see at 12, 18, is split in half, forming two equilateral halves – see figures 1-2 of Abadie.

Referring to claim 41, Abadie as modified by Levey further discloses a protrusion – at 24 or 28, on one half of the locking mechanism and a corresponding receptacle – at 18 on the opposite half of the locking mechanism – see for example figures 1-2 of Abadie.

Referring to claim 42, Abadie as modified by Levey further discloses the protrusion fits into the receptacle to create a locked complete locking mechanism – see for example – at 18, 24 and 28 as seen in figures 1-2 of Abadie.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abadie as modified by Levey as applied to claim 23 above, and further in view of U.S. Patent No. 4,914,856 to Kennedy. Abadie as modified by Levey does not disclose the bait device is used inside fishing traps. Kennedy does disclose the bait device – at 10, is used inside the fishing traps – at 12 – see for example figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Abadie as modified by Levey and add the bait device used in fishing traps of Kennedy, so as to allow for the device to attract sea life into the trap.

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abadie as modified by Levey as applied to claim 23 above, and further in view of GB Patent No. 2226743 to Bristow.

Referring to claim 28, Abadie as modified by Levey does not disclose the raised regions are concentric ridges on the top and bottom surfaces of the cylindrical container. Bristow does disclose the raised regions are concentric ridges – at 30-38, on the top and bottom surfaces of the cylindrical container – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Abadie as modified by Levey and add the

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concentric ridges on the top and bottom surfaces of Bristow, so as to allow for any objects located inside the device to be securely held inside the device.

Referring to claim 29, Abadie as modified by Levey does not disclose the raised regions are dimples along the outside surface of the cylindrical container. Bristow does disclose the raised regions – at 36, are dimples on the outside surface of the cylindrical container – see for example figure 3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Abadie as modified by Levey and add the raised dimples on the container of Bristow, so as to allow for any objects located inside the device to be securely held inside the device.

Claims 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abadie as modified by Levey as applied to claim 23 above, and further in view of U.S. Patent No. 5,606,820 to Suddeth.

Referring to claim 30, Abadie as modified by Levey does not disclose the one or more hinges is three hinges. Suddeth does disclose the one or more hinges – at 52,54, is three hinges – see for example figures 5-6. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Abadie as modified by Levey and add three hinges of Suddeth, so as to allow for the two halves of the container to be securely and movably connected to one another.

Referring to claim 32, Abadie as modified by Levey does not disclose the hinges are vertical bars on half of the cylindrical container that lock into half circle depressions on the opposite half of the cylindrical container. Suddeth does disclose the hinges – at 52,54, are vertical bars – at 52, on half of the container that lock into half circle depressions – at 54, on the opposite half of the container – see for example figures 3-4. Therefore it would have been

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obvious to one of ordinary skill in the art to take the device of Abadie as modified by Levey and add the hinges comprising bars and half circle depressions of Suddeth, so as to allow for the two halves of the container to be securely held together.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to bait traps and bait holders in general:

U.S. Pat. No. 1,497,199 to Sutthoff – shows cylindrical device split into halves

U.S. Pat. No. 2,842,890 to Goroni – shows bait container

U.S. Pat. No. 3,036,400 to Anderson – shows bait container

U.S. Pat. No. 3,855,727 to Canoy – shows cylindrical container split into halves

U.S. Pat. No. 4,373,286 to Robison – shows fish trap

U.S. Pat. No. 4,434,575 to Pearson – shows fish trap

U.S. Pat. No. 6,000,168 to Demusz et al. – shows fish trap

GB Pat. No. 2255485 – shows bait container

DE Pat. No. 3525152 – shows wire container with locking mechanism

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Parsley
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Art Unit 3643


PETER M. POON
SUPERVISORY PATENT EXAMINER

9/1/05